

I. Summary of Regulatory and Mandatory Timeframes

On November 4, 2009, the Department established regulatory and mandatory timeframes for a number of remediation requirements. These timeframes were established by the [Special Adoption](#) and apply to ALL cases with a few exceptions that are noted below.

The Department is proposing to amend several timeframes and rule requirements in a rule proposal published in the October 4, 2010 [New Jersey Register](#). These changes are also the subject of a [Compliance Advisory](#) that was published on the Department's Web site on the same date. For more information regarding rule requirements, please refer to the [SRP Rules](#) and subject-specific [Quick Reference Guides](#).

Proposed changes to timeframes and rule requirements are noted in **bold** below.

<u>Remediation Requirement</u>	<u>Regulatory Timeframe</u>	<u>TECH RULE Citation</u>	<u>ISRA Citation</u>	<u>UST Citation</u>	<u>Mandatory Timeframe</u>	<u>ARRCS Citation</u>
<u>Public Participation and Notification Requirements</u>						
Notify the Department of discharge	Immediately after discharge is identified (15 min)	7:26E-1.4(a)		7:14B-7.3(a)		
Submit written documentation of the discharge (Confirmed Contamination Form or GIN)	Within 5 days after discharge is identified or remediation is initiated pursuant to ISRA or UST	7:26E-1.4(d)	7:26B-3.2(a)			
Notify the Department prior to sampling potable wells or indoor air	7 days prior to sampling event	7:26E-1.4(e)				
Post sign or send letters for public notification and submit documentation	14 days prior to initiation of field activities associated with the RI or single phased RA	7:26E-1.4(i)2, (j)1				
If letters are used, distribute updated notification letters and submit documentation	Every 2 years until final remediation document is filed or issued	7:26E-1.4(j)2, (j)5				
Distribute fact sheet	Within 14 days after off-site contamination is identified	7:26E-1.4(l)5				
Publish fact sheet in newspaper, submit documentation	Within 30 days after off-site contamination is identified	7:26E-1.4(l)5i, (l)6				

<u>LSRP Retention Requirements</u>						
Submit LSRP retention form ¹	Within 45 days after discharge or initiation of remediation					7:26C-2.4(a)
<u>Light Non-aqueous Phase Liquid (LNAPL) Requirements</u>						
Notify Department when LNAPL is identified and initiate free product recovery	By March 1, 2010 or 60 days after date of LNAPL is identified, whichever is later	7:26E-1.12(b)1				
Submit LNAPL recovery system report²	If LNAPL is identified before March 1, 2010 submit report by March 1, 2011 If LNAPL is identified on or after March 1, 2010 submit report within 1 year after LNAPL is identified (Proposed regulatory time frame changed from 270 days to 1 year)	7:26E-1.12(b)2 (Citation will not be changed)			If LNAPL is identified before March 1, 2010 submit report by March 1, 2012 If LNAPL is identified on or after March 1, 2010 submit report within 2 years after LNAPL is identified (Proposed mandatory time frame changed from 1 year to 2 years)	7:26C-3.3(a)4 (Old citation - 7:26C-3.3(a)3)
<u>Immediate Environmental Concern (IEC) requirements</u>						
Notify Department of IEC	Immediately after IEC condition is identified	7:26E-1.14(b)1				
Mitigate potable water or direct contact IEC	Within 5 days after identifying IEC condition	7:26E-1.14(b)2i and iii				
Mitigate Vapor Intrusion IEC (indoor air level above rapid action level)²	Within 14 days after identifying IEC condition (Proposed regulatory time frame changed from 5 to 14 days)	7:26E-1.14(b)2ii (Citation will not be changed)				
Mitigate soil IEC	Within 5 days after identifying IEC condition	7:26E-1.14(b)2 iii				
Submit IEC form, spreadsheet, map and data²	Within 14 days after IEC identifying IEC condition²	7:26E-1.14(b)3				

	(Proposed regulatory time frame changed from 5 to 14 days)	(Citation will not be changed)				
Submit all indoor air data to NJDHSS ²	Within 14 days after IEC identifying IEC condition ² (Proposed regulatory time frame changed from 5 to 14 days)	7:26E-1.14(b)4 (Citation will not be changed)				
Install an IEC engineered system response ²	Within 60 days after identifying indoor air levels that exceed the vapor intrusion rapid action level (RAL) (Proposed trigger changed from the indoor air screening level to the RAL)	7:26E-1.14(b)5 (Citation will not be changed)				
Submit IEC engineered system response report	Within 120 days after identifying IEC condition	7:26E-1.14(c)				
Initiate IEC source control & submit report ²	If IEC condition is identified before March 1, 2010 initiate source control and submit report by March 1, 2011 If IEC condition is identified on or after March 1, 2010 initiate source control and submit report within 1 year (Proposed regulatory time frame changed from 270 days to 1 year)	7:26E-1.14(d) (Citation will not be changed)			If IEC condition is identified before March 1, 2010 initiate source control and submit report by March 1, 2012 If IEC condition is identified on or after March 1, 2010 initiate source control and submit report within 2 years (Proposed mandatory time frame changed from 1 year to 2 years)	7:26C-3.3(a)4 (Old citation - 7:26C-3.3(a)3)
<u>Receptor Evaluation Requirements - general</u>						
Submit a completed initial receptor evaluation ^{2 & 3}	If remediation is initiated before March 1, 2010 submit initial receptor evaluation by March 1, 2011	7:26E-1.15(c)			If remediation is initiated before March 1, 2010 submit initial receptor evaluation by March 1, 2012	7:26C-3.3(a)2

	If remediation is initiated on or after March 1, 2010 submit initial receptor evaluation within 1 year² (Proposed regulatory time frame changed from 270 days to 1 year)	(Citation will not be changed)			If remediation is initiated on or after March 1, 2010 submit initial receptor evaluation within 2 years² (Proposed mandatory time frame changed from 1 year to 2 years)	(Old citation – 7:26C-3.3(a)3)
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Receptor evaluation – Potable Water Requirements

Conduct a well search as part of the ground water receptor evaluation	Within 90 days after ground water contamination is detected	7:26E-1.17(a)1				
Conduct ground water sampling as part of the ground water receptor evaluation	Within 120 days after ground water contamination is detected	7:26E-1.17(a)2				
Delineate ground water and continue to identify and sample potential receptors	Within 14 days after completion of first round of sampling	7:26E-1.17(b)2				
Submit potable well data to the Department and notify well owners	Within 14 days after receipt of analytical results	7:26E-1.17(c)				

Receptor evaluation – Vapor Intrusion (VI) Requirements

Identify structures and other information for vapor intrusion investigation	Within 60 days after determining the need to conduct a vapor intrusion investigation	7:26E-1.18(b)				
Conduct required VI sampling	Within 150 days determining the need to conduct a vapor intrusion investigation	7:26E-1.18(c)				
If indoor air samples do not exceed any indoor air screening level submit analytical results to the Department and DHSS; if LSRP, conduct notification	Within 14 days after receipt of analytical data	7:26E-1.18(d)				
Delineate ground water and continue to identify and sample potential receptors	Within 14 days after completing the first round of sampling	7:26E-1.18(e)				

	<p>is later</p> <ul style="list-style-type: none"> 90 days after approval of UST remedial investigation workplan 					
Submit Remedial Action Workplan	420 days after initiation of ISRA remediation		7:26B-6.2(h) 7:26B-6.3			
Implement Remedial Action for Soil	420 days after initiation of ISRA remediation		7:26B-6.2(c)			

Footnotes

- 1. This requirement only applies when a person initiates remediation on or after 11/4/09 and when a person decides to opt into the LSRP program in accordance with N.J.A.C. 7:26C-2.3(b).**
- 2. The Department has changed the definition of IEC for vapor intrusion. Indoor air levels greater than the Rapid Action Levels (Table 2 of the Department's Vapor Intrusion Guidance) will be considered an IEC. Indoor air levels between Indoor Screening Levels and Rapid Action Levels are required to be addressed in accordance with regulatory timeframes.**
- 3. Initial receptor evaluation shall contain the information that is known by the person responsible for conducting the remediation at the time the report is submitted.**